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20350	7590	12/28/2004	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP			GAUTHIER, GERALD	
TWO EMBARCADERO CENTER			ART UNIT	
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Please find below and/or attached an Office communication concerning this application or proceeding.

29

Office Action Summary	Application No. 09/998,557	Applicant(s) PARSA, FERAL	
	Examiner Gerald Gauthier	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-9,13-15,17-20 and 24-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-9,13-15,17-20 and 25-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim(s) 1, 4, 6, 13, 15, 17, 25, 27-28, 32, 34-35, 39, 41-42, 46 and 48-49** are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrero Garcia et al. (US 5,187,735) in view of McLeod et al. (US 5,550,899).

Regarding **claim(s) 1 and 13**, Herrero discloses a method for using a voice-messaging system to place long distance telephone calls (column 1, lines 6-14), comprising:

a voice-messaging system receiving a toll-free call placed by a user (column 15, lines 47-63) [The caller dials the general access number corresponding to multiple services of the VMS 300];

verifying that the user is a valid user of the voice-messaging system (column 13, lines 55-66) [The VCS 400 prompts the caller for information to verify that the caller has access to the system and requests the caller to dial in a confidential password];

receiving from the user a request to place a long-distance telephone call (column 18, lines 27-32) [The VMS 300 receives from the caller the Y4 selection for a long distance call];

Art Unit: 2645

receiving from the user a telephone number of a third-party telephone line to be called (column 18, lines 62-66) [The VCS 400 invites the caller to dial the area code and the phone number to be called]; and

establishing a direct connection between the user and the third party telephone line (column 19, lines 20-28) [The PBX 200 connects the caller to the called number as a trunk-to-trunk transfer];

disconnecting the voice-messaging system from the call (column 19, lines 20-28) [The VCS 400 routes the incoming call to the PBX 200 to dial the long distance number and therefore disconnected from the call];

Herrero discloses charging the user's credit card account but fails to disclose charging a pre-established user account of the user a pre-determined long-distance rate in relation to the telephone call.

However, McLeod teaches charging a pre-established user account of the user a pre-determined long-distance rate in relation to the telephone call (column 4, lines 45-50) [The long distance switching office 34 generates a single bill to the subscriber at a predetermined long distance rate to the subscriber telephone number].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Herrero using the billing system as taught by McLeod.

This modification of the invention of Herrero enables the system to use the subscriber listing to charge the call so that the caller would have a single bill for the enhanced services.

Art Unit: 2645

Regarding **claim(s) 4, 15, 27, 34, 41 and 48**, Herrero discloses, receiving and verifying a user-identification code and a password code (column 13, lines 55-66).

Regarding **claim(s) 6, 17, 28, 35, 42 and 49**, Herrero discloses, wherein the user-identification code is associated with a billing account, and wherein the charges for the long-distance call are charged to the billing account (column 19, lines 5-19).

Regarding **claim(s) 25 and 32**, Herrero and McLeod disclose all the limitations of **claim(s) 25 and 32** as stated in **claim 1'** s rejection and furthermore Herrero discloses establishing a 3-way call between the user, the voice-messaging system and the third-party telephone line (column 13, lines 12-18) [The VMS 300 routes the call and internally connects the ports together creating a three way call between the user, the voice-messaging system and the called party].

Regarding **claim(s) 39 and 46**, Herrero and McLeod disclose all the limitations of **claim(s) 39 and 46** as stated in **claim 1'** s rejection and furthermore Herrero discloses during or after the call between the user and the third party, receiving a pre-defined signal from the user (column 16, lines 42-53) [The VMS 300 routes the call to the PBX 200 and the user signals that the call is terminated];

transferring the user back to a voice-messaging-system menu (column 16, lines 42-53) [The PBX 200 return the call to the VMS 300 to provide further assistance and options to the user].

Art Unit: 2645

3. **Claim(s) 2, 7-9, 11-12, 14, 18-20 and 22-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mirville, in view of Herrero Garcia and in further view of Stabler (US 5,937,047).

Regarding **claim(s) 2, 14, 26, 33, 40 and 47**, Herrero and McLeod as applied to **claim(s) 1, 13, 25, 32, 39 and 46** above differ from **claim(s) claim(s) 2, 14, 26, 33, 40 and 47** in that it fails to disclose connecting the telephone call to the third -party telephone line if the third-party telephone line is available.

However, Stabler teaches connecting the telephone call to the third -party telephone line if the third-party telephone line is available (column 6, lines 40-50).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use connecting the telephone call of Stabler in the messaging system of Herrero.

The modification of the invention would offer the capability of connecting the telephone call such as the system would offer an integrated voice-mail for economically providing advanced telephone call handling.

Regarding **claim(s) 7, 18, 29, 36, 43 and 50**, Stabler teaches the voice-messaging system allows the user to choose between accessing voice messages or placing a telephone call (column 4, lines 52-65).

Art Unit: 2645

Regarding **claim(s) 8, 19, 30, 37, 44 and 51**, Stabler teaches the voice-messaging system directs the user back to a voice-messaging-system menu if a third-party-call connection is not established (column 4, lines 52-65).

Regarding **claim(s) 9, 20, 31, 38, 45 and 52**, Stabler teaches the voice-messaging system directs the user back to a voice-messaging-system menu when the user enters a pre-defined signal at any step during the process of placing a call to a third party (column 4, lines 52-65).

Allowable Subject Matter

4. **Claim(s) 24** is allowed.

Regarding **claim(s) 24**, the prior art at this time fails to disclose establishing a user account for a user, wherein the user account has associated with it pre-determined rates for placing telephone calls using the voice messaging system.

Response to Arguments

5. Applicant's arguments with respect to **claims 1-2, 4, 6-9, 13-15, 17-20 and 25-52** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2645

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER

g.g.

December 22, 2004



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